

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NATIONAL ASSOCIATION OF  
LETTER CARRIERS, AFL-CIO  
(UNITED STATES POSTAL SERVICE)**

**and**

**Case 20-CB-183754**

**ANNETTE IRWIN**

**and**

**Case 20-CB-188310**

**CHRIS VANOURKERK**

**NATIONAL ASSOCIATION OF LETTER  
CARRIERS, LOCAL BRANCH 627  
(UNITED STATES POSTAL SERVICE)**

**and**

**Case 20-CB-191443**

**CHRIS VANOURKERK**

**ORDER**

The Motion for Summary Judgment filed by Respondent National Association of Letter Carriers, Local Branch 627 in Case 20-CB-191443 is denied. The Respondent has failed to establish that there are no genuine issues of material fact warranting a hearing and that it is entitled to judgment as a matter of law.<sup>1</sup>

---

<sup>1</sup> Acting Chairman Miscimarra agrees with the denial of the Respondent's motion as stated in the Board's Order. As he stated in *L'Hoist North America of Tennessee, Inc.*, 362 NLRB No. 110, slip op. at 3 (2015) (concurring), "in response to a motion for summary judgment, I believe that the General Counsel at least must explain in reasonably concrete terms why a hearing is required. Under the standard that governs summary judgment determinations, this will normally require the General Counsel to identify material facts that are genuinely in dispute." See also *Trinity Technology Group, Inc.*, 364 NLRB No. 133, slip op. at 1-2 (2016) (Member Miscimarra, concurring); *Leukemia & Lymphoma Society*, 363 NLRB No. 124, slip op. at 2 (2016) (Member Miscimarra, dissenting). In the instant case, the General Counsel has described, in

Dated, Washington, D.C., April 12, 2017.

PHILIP A. MISCIMARRA,	ACTING CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER

---

reasonably concrete terms, why, based on material facts that are genuinely in dispute, a hearing is required.